

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket No. 1:20-cv-00122 (EK)**  
**(JRC)**

ATIBA CLARKE,

Plaintiff,

**STIPULATION AND ORDER OF  
DISMISSAL OF PLAINTIFF'S  
FIRST CAUSE OF ACTION FOR  
VIOLATIONS OF THE  
AMERICANS WITH  
DISABILITIES ACT WITH  
PREJUDICE**

- against -

R.T.D. 52 L.L.C. AND LUCKY 87 TERIYAKI INC.

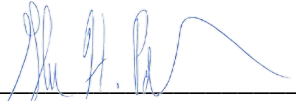
Defendants.

-----X

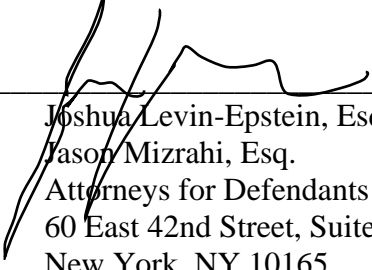
IT IS HEREBY STIPULATED AND AGREED, by the undersigned, attorneys of record for the respective parties in the above-captioned action, and that no party is an infant or incompetent, that pursuant to Rule 41(a)(1)(A)(ii) and/or Rule 41(a)(2) of the Federal Rules of Civil Procedure, plaintiff hereby dismisses and withdraws the First Cause of Action in the Complaint for violations of the Americans with Disabilities Act, and that cause of action, accordingly, is hereby dismissed with prejudice.

Dated: September 30, 2021  
New York, New York

**PARKER HANSKI LLC**

By:   
Glen Parker, Esq.  
Attorneys for Plaintiff  
40 Worth Street, 10th Floor  
New York, New York 10013  
(212) 248-7400  
(212) 248-5600  
ghp@Parkerhanski.com

**LEVIN-EPSTEIN & ASSOCIATES, P.C**

By:   
Joshua Levin-Epstein, Esq.  
Jason Mizrahi, Esq.  
Attorneys for Defendants  
60 East 42nd Street, Suite 4700  
New York, NY 10165  
Phone: (212) 792-0048  
Mobile: (301) 758-7351  
Facsimile: (212) 563-7108

Jason@levinepstein.com  
joshua@levinepstein.com

**SO ORDERED**

---

**ERIC R. KOMITEE, U.S.D.J**